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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Confirmation No. 1004

Kenji OSHIMA

Docket No. 2001-1135A

Serial No. 09/935,661

Group Art Unit 1714

Filed August 24, 2001

Examiner Callie E. Shosho

ELECTROSTATIC INK JET INK AND
METHOD OF CONTROLLING
ELECTROSTATIC CHARGES OF
COLOR MATERIAL IN THE INK

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THE COMMISSIONER IS AUTHORIZED
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RESPONSE AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37. CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1714

Sir:

Responsive to the Office Action of December 9, 2004, Applicant submits the following remarks in support of the patentability of the presently claimed invention over the disclosure of the references relied upon by the Examiner in rejecting the claims. Further and favorable reconsideration is respectfully requested in view of these remarks.

Thus, the rejection of claims 1, 3-5, 7 and 8 under 35 U.S.C. § 102(b) as being anticipated by Swift et al. taken in view of the evidence in Takao et al. is respectfully traversed.

Initially, Applicant takes the position that the Swift et al. reference represents nonanalogous art, and therefore is inappropriate as a basis for rejecting the claims.

In this regard, referring to MPEP 2141.01(a), the determination of whether or not a prior art reference is nonanalogous art depends on the similarities and differences in structure and function/purpose of the inventions, and whether the inventions involve different fields of endeavor. Furthermore, a determination must be made as to whether the reference was reasonably pertinent to the problem with which the inventor was